

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAKE DARNELL GRADY-WILKINS,

Plaintiff,

v.

UNKNOWN NEWTON, et al.,

Defendants.

Case No. 1:23-cv-282

HON. JANE M. BECKERING

\_\_\_\_\_/

**ORDER**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendant Newton filed a Motion for Summary Judgment (ECF No. 22). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 22, 2024 (ECF No. 28), recommending that this Court grant Defendant Newton's motion for summary judgment, dismiss Plaintiff's Fourteenth Amendment claim with prejudice, dismiss Plaintiff's negligence claim without prejudice, and terminate the case. The Report and Recommendation was duly served on the applicable parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 28) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 22) is GRANTED. Plaintiff's Fourteenth Amendment claim against Defendant Newton is DIMISSED with prejudice. Plaintiff's negligence claim against Defendant Newton is DIMISSED without prejudice.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith because Plaintiff failed to file any objections to the Report and Recommendation. *See McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: February 21, 2024

/s/ Jane M. Beckering  
JANE M. BECKERING  
United States District Judge